

THE PLYMOUTH BANNER.

"THE STARSPANGLED BANNER. LONG MAY IT WAVE, OER THE LAND OF THE FREE AND THE HOME OF THE BRAVE."

A Family Newspaper, Devoted to Education, Morals, Science, Agriculture, Commerce, Politics, Markets, General Intelligence, Foreign and Domestic News.

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THE WIDOW'S WEDDING.

A TALE OF THE ST. LOUIS MASQUERADES.

BY NED BENTLEY.

Woman like a flower clad earth, is only lovely, when her face is brightened by the sunny smiles of pleasure—like the earth, when the clouds of heaven's lightning charge, darkly pall the sky; so she in anger's tempest, when the earth's storm's reign of sorrow falls, loses her beauty.

Three years have elapsed since the scene occurred which opens this story.

In a quiet, neat cottage in the prettiest part of Illinois, stood two persons, a lady and a gentleman, who had been married six months, who possessed ample means to command all the luxuries of life who were each handsome, both young, yet they were quarrelling—Edward Belden's eyes were sparkling with anger his face pale, lips compressed, his form quivering with excitement.

His young wife Josephine, (the loveliest belle of her native place when she won his love,) stood before him with her arms folded over her bosom, which was heaving with emotion—her large, full eye, not liquid with the dew of love, but gleaming like the eye of the tigress when she seeks the hand that robbed her of her young—her small but graceful form quivered with agitation.

"Sir," said she "Edward, for husband I call you no more—I will bear your intolerant jealousy no more—I will promenade when I please, go to every ball of the season, and dance with whom I please."

"And especially with that well known libertine, Werner, I suppose," added her husband, in a sarcastic tone.

"I suppose, if it suits me, sir."

"Josephine you will drive me mad."

"I have no objections, sir. You are better suited for a mad house than a lady's home."

"Madam, this is going too far."

"I only follow your example, sir—"

"You have carried your authority too far. I married you to be your wife, not your slave."

"You promised obedience."

"No I didn't; I skipped the hateful word!"

"Josephine if you persist in this course we must separate."

"With all my heart, sir."

"Do you mean this? Are you serious?"

"I never was more so, Mr. Belden."

"Then your cruelty shall be gratified—before night closes I will be on my way to California—I go to forget that I ever knew such a heartless woman. Josephine, turn not away yet, for I have a few words which you must hear."

"Must, sir?" and her beautiful lips curled with scorn as she spoke.

"Yes, Josephine, for they are the last I shall ever speak to you. This is the first time I ever upbraided you, the first time that my lips ever uttered a harsh word to you, or any of your sex. I have been forced to do it by your own conduct, you have contradicted my every wish—you have permitted attentions from a man whom I detest, that no married woman ought to permit, you prefer the society of gay friends to a quiet home. I have so much loved you—have—"

"Sir, I think you have said enough. I plead guilty to all your charges, for if I denied them, you would contradict me. I thought you said you were going?"

"I did, and I will go. Josephine, you will remember this hour yet, as the unhappiest of your life. Farewell, and forever."

He hurried from her presence. For a moment she looked after him, his name rose to her lips and was half uttered, for an instant, the woman in her soul seemed to impel her to call him back, to ask herself weeping in his arms, and to seek a reconciliation, yet pride, that chiefest demon in human souls, forbade it.

"He will come back," she murmured; "he loves me to well to leave; I will conquer yet; I have done him no wrong, I have been gay, it is true, but it is my

nature, and the more polite attentions of an agreeable man, who is well received, should not make a husband jealous."

An hour later she was still alone—"

Night was drawing on, but he came not. She had not left her room. She did not

yet know that his luggage had been removed from the house, and that he was already on the dark waters of the Mississippi, aboard the noble steamer Ne Plus Ultra, speeding swiftly from her.

Two hours passed—she paced nervous

ly to and fro. Night came on, hour after hour went by, and really alarmed, she

inquired of her servants where her husband was. She was told that an hour before dark he had embarked on a boat—"

It required all her mental strength to hide from her servants what her heart then felt, and as she went, sick at heart, pale and trembling, to her room. She murmured—"

"Oh, God forgive me! he is gone, perhaps forever. I did not mean to provoke him to this."

Sleep came not to her eyes that night—"

No peace to her heart when the sun arose at morn. She was wretched. No

desire for gaiety came to her bosom now; she had lost her world, for with all her faults she fondly and deeply loved him

whom she had lost. Letter after letter she dispatched to New Orleans, to Sacramento, and other points, hoping that he might receive them, and in these she implored him to return, asked him to forgive and come back to her.

Six months passed away; six weary months to her. Pale—her once round and plump form now thin—she sat where

he last stood when he parted from her forever. A servant entered with a city

paper. She took it, her eye caught the head of a paragraph, "California News,"

one moment she gazed eagerly at it, then with one cry of agony, she sunk senseless to the floor. She had read that Edward Belden had been murdered by some robbers.

For weeks she was confined to her bed; and when she rose she was so altered that no one who had known her but a year before as a blooming bride, could have recognized her now. She disposed of her property in Quincy and departed, no one knew whither, but a rumor soon reached the city that she died in a convent in St. Louis.

It was the most brilliant night of the season. Anapi was in his glory. His

saloons were crowded with gay maskers, who, to the sound of glad music, glided

through the whirling mazes of the dance. Yet there were some who did not dance.

But enjoyed the pleasure of the masquerade as much, for, covered with quaint masks, and in an assumed character, they conversed with others, who were as

unrecognizable as themselves.

One finely formed man dressed in the

garb of a Spanish cavalier, seemed particularly to enjoy the sport, for with the

permitted license of the mask, and assuming well the gallantry of the character

which he personated, he addressed every lady he met. But at last, (it was after midnight,) he grew tired. A lady whom

he had more than once addressed, was seated on a sofa, and as she seemed unattended, he presumed to take a seat beside her.

"You seem to be alone, fair Demoiselle?" said he,

"I am, sir, but not quite unattended—a lady friend and her husband accompanied me here," she replied.

"Do we know each other?" he enquired.

"Your voice sounds familiar to my ear."

"We are unknown," she replied. "I know no one on earth; wish to know no one; I came here by the urgent solicitation of kind friends, not to seek pleasure, but forgetfulness."

"Forgetfulness of what? You are so young and lovely, cannot have seen that which you wish to forget?"

"Yes, sir, I have, but I cannot forget."

"Madam, I beg you to excuse me, I would like to see your face. I do not speak in the permitted tones of a masker, but I assure you that I am exceedingly interested in you. Your voice sounds like the music of earlier days—your graceful form that tapering hand, all cause me to believe you are very beautiful. Will you gratify my desire to see your face?"

"Excuse me, gallant cavalier of Spain—I am unknown to all persons except the two who are with me. I wish to remain unknown."

"What a charm that very mystery throws around you. Lady do not think it idle curiosity. I beg you to answer me one question. Are you married?"

"No, sir, I am a widow."

"A coincidence—I am a widower. I once possessed one of God's brightest pictures, and only was happy when she was mine."

"Then you loved her?"

"Loved?—the word is too cold. I loved her as the miser loves his gold; as the devoted christian loves his God; I loved her only too well. But you seem agitated, why?"

"Too once loved—but sir, excuse me. I feel that I ought not to talk with

you—I love, I honor the memory of the dead."

"Nay, stay, do not rise—do not leave at least until you promise to correspond with me—you are the only one but my

lost Josephine whom I have felt interested in."

"Josephine!" The lady's form trembled as she spoke. "Josephine, did you say?"

"That was the name of the loveliest wife that ever blessed man. It is but

late, by the discovery of some old letters, that I found how much I misunderstood her real character. She is now an

angel in Heaven—I am left to mourn her. I came here this night to dispel melancholy, to try and forget myself. I am

glad I have come, for in you I feel that I have found a kindred spirit. Will you let me see your face?"

"Not now," she replied in a soft tone, "not now; perhaps in time I may. Will you answer me a question?"

"Certainly, fair lady."

"Were you ever in California?"

"I have just returned from California, where I have met with many strange adventures, which, were your ears as willing, I would relate, as Othello told to gentle Desdemona, his hair-breadth escapes by land and sea."

"Have you had any such hair-breadth escapes?"

The lady's agitation was still visible, though she endeavored evidently to conceal it.

"In truth I have, lady. I have laid on a couch suffering for over a year, from

wounds received in an affray with a band of robbers—have been published as dead—

have been worth a hundred thousand dollars—within an hour, have seen the

scorching flames shroud my whole fortune to ashes."

"Will you tell me your true christian name, sir?"

"Will you, kind lady, permit one glance at your face, or even let me see those lips that speak so sweetly?"

"Not now, sir; in time you may, on the condition that you will tell your real name, which if I err not, is Edward Belden! Ah, you start—it is so, it is so!"

"Lady, who are you? How do you know me? Speak, I am lost in surprise."

"I knew her whom you have lost—I knew your Josephine, and her last words were, 'if ever you see my Edward, tell him I loved him better than life; that from the hour he left me I was dead to all the world.'"

"Had she read the rumor of my death?"

"I feared that after I had read the mislaid letters, and heard of her removal from Quincy, that it had broken her heart and caused her death."

"She had heard the report, but something whispered to her heart that you still lived, and—I ought not to speak it, yet I solemnly vowed to her that I would endeavor to find you if you lived, to hear your blessings, and—"

The lady paused, seeming still more agitated.

"Go on, angel of kindness, go on; your words are more than life to me!"

"She bade me, who had lost a noble husband, try to win and wed you, to be to you all that she would have been had she lived to see you."

"Lady, I am already won—yet, in loving you as I feel I must, I must love her dead memory. This you will permit—you who were her friend, who closed her eyes."

"Yes; and you, if indeed we wed, must call me Josephine. I will love as well; will strive to make you happy."

"You can. But now, certainly you will permit me to see your face?"

"No; a whim (for all women have whims) has seized me. If you will not consent to it, I shall feel that you have no confidence in me; and if you do not confide in me before marriage, we may be unhappy afterwards."

"Before you speak your wish, I consent to it. I know not why, but I feel that I love you—that with my honor, my very life I will trust you. Ask what you will."

"It is that until the marriage vows are spoken between us you do not see my face; that even at the altar I stand veiled!"

"What a romantic creature you are."

"You promise to accord to my wish."

"True, and I do. But when shall the happy hour arrive that will permit me to raise that envious veil, which, like the cloud that obscures the face of Venus in the sky, casts a shadow on my heart?"

"Whenever you please."

"Then let it be tonight—now, as soon as we can find a minister to perform the sacred rites."

"You are indeed in a hurry. Had I not been well prepared by all that dear Josephine had told me of your beauty, your noble, but rather jealous heart, and your manly virtues, I should object to such haste. But as it is, assuring you that I dearly love you, Edward, I consent to whatever you propose."

"You bade me call you Josephine; I will, for it is a dear name to me. Sweet Josephine, it is not late. You have two friends, a lady and a gentleman, with you, in whom you can confide. I'll call

a carriage; we will take them along as witnesses, and drive at once to the Missouri Hotel, where I lodge. A minister shall be sent for—we will be married, and then that mask, that pretty, though to me most odious mask, shall be thrown into the fire, and your bright eyes and lovely face—for I know you are beautiful—shall shine out like a May sun, as it rises from the flowery east."

"Perhaps you may not find me so beautiful." The lady sighed as she spoke.

"So long as I hear your sweet voice, I shall love you, nevertheless. Go and find your friends; be ready—I will order a carriage."

It was an hour later. In the elegant parlor of the hotel before spoken of, stood Edward Belden, still in his cavalier dress, but unmasked and by his side the fair stranger whom he had met at the ball, but she was masked. His fine figure and manly face—now bronzed by exposure—elicited the admiration of all present, for he had invited the guests of the house to witness this singular wedding. A scar which seemed his high and noble brow did not impair his beauty.

The minister arrived. The usual preliminary questions were asked, the ceremony proceeded, and Edward Belden and his new found love pronounced man and wife. Then all eyes were turned towards the bride. As her husband laid his hand upon her mask it trembled with excitement—her form trembled too with agitation.

He lifted the mask. Two fearful eyes, tearful with joy, gazed upon his own—a soft voice murmured, "Edward, my own Edward!"

"Josephine, my God!—have you come down from heaven to bless me? Are you living, is it, can it be my long lost, long mourned wife?"

"Edward we were married a second time—we will never part a second time!"

"No—not now I am happy."

Fugitive Slave Case at Cincinnati.

The following is the decision of Judge McLean, of the U. S. Supreme Court, at the trial of George McQuery, alias "Wash," a slave claimed by Mr. Miller, of Kentucky:

"Judge McLean said, in giving my views in this case, it may not be improper to recapitulate the manner in which this case came before me. First, I issued a habeas corpus on an application maintaining that he was illegally deprived of his liberty; that order was issued for the object of determining whether he was illegally detained. The inquiry was a legitimate one, and Mr. Miller, the claimant, hesitated to show that George, alias Wash, is his slave, and introduced his son, Jacob Miller, who states that ever since he had known anything, this person had been his father's slave, under his entire control and management, and had been treated as the other slaves of his household, until four years ago, with three others, he absconded from his service. Mr. Kelly, the second witness, a near neighbor, corroborates these statements; was an intimate in the family always, saw the boy there in the capacity of a servant, and agreed as to the time and circumstances of the flight.

James Kelly, who was intimate in the family for twelve years, corroborates the statements of his brother. Isaiah Yocum also corroborates the evidence of the previous witnesses as to the entire management and control of Miller over the labor and services of the fugitive. Trader, the Deputy U. S. Marshal, states that in a conversation, the boy acknowledged Miller to be his master, that he regretted leaving, that he had been persuaded to do so; these confessions have been corroborated by the former witness, Kelly, and by the Deputy Marshal Black. As to the status of the defendant, it would be difficult to present any case where the claim to service could have been better sustained. It has been so particular, circumstantial, so uncontradicted and clear, that it is my decided conviction that amongst the large number of cases tried before me, I never saw one so completely made out. No proof is needed to this court that Kentucky is a Slave State. The Supreme Court of the United States has decided that all and each of her Judges are to recognize the laws of each State, and are presumed to know the laws to the extent of their jurisdiction which is the whole Union.

In some States, the laws require the recognition of some statute law; in such cases the Judges or Commissioners may need to require proof of the existence of such statutory enactments; not so before a Judge, whose authority is co-extensive with the Union. Allusion was made to the argument used by Senator Mason—He was sorry to hear such a position taken here. Mr. Mason was arguing as to the Territories where slavery did not exist; that was the Southern argument by which it was sought to introduce slavery into the Territories; but the principle is this: Slavery is local—I was the means of bringing out this most important decision in the Mississippi case, it was uni-

formly adopted in the South until the agitation of the Territorial question—"

Slavery then, is the creature of law. We know it does exist. Usage constitutes law, besides which, contrary to what has been stated, law after law has been passed by the States confirmatory and regulating it. To say that laws recognizing slavery do not exist, would be shutting our eyes to all the enactments of several States. As to the manner in which this case has been managed, I am gratified, as it has been named, that there has been such gentlemanly bearing on both sides; there has been no abusive epithets used; none were expected, the case has been conducted so as to merit the applause of all sensible men. I would remark that there has been offered no evidence on the part of the defence, except the admission of the claimant that the party claimed had, for a few years, been residing near Troy, where he was reputed free, and recognized as a freeman.

That is proper; it is the theory of our laws in Ohio and other free States; that all men in their borders, without regard to color, are free men; the law does not sanction the tread of a slave on our soil; the presumptions of law then are only to be contradicted by the conclusive proof of claimants. But it is insisted that the Fugitive Slave Law is unconstitutional; that Congress has not the power, but that it is vested in the several States. This argument has been often advanced by gentlemen who have discussed this matter in a certain way, and I am not sure but what it has been inserted into certain platforms. Let me advert for a moment to judicial authority, in the case of Spriggs vs. Pennsylvania. With the Judges of the U. S. Supreme Court, there was no dissension of opinion as to the power of Congress and the restrictions of State Legislation in conflict with Federal action. I believe I may say, the Supreme Court of Massachusetts, and in every other State has recognized the same power in Congress. At an early date, one or two cases, perhaps in Massachusetts, some doubts were expressed; but no respectable Courts since have doubted, particularly as to the law of 1793. This is pretty strong authority in regard to the power, overbearing all individual opinions, however weighty or numerous, unless sufficiently numerous to change the law.

The Constitution was formed in 1787, after a discussion on the subject by the people at large, and in the convention of the several States. The Act of '93 was passed shortly after the adoption of the Constitution, by men intimately acquainted with the principles on which the Constitution was established, many of whom were the wise and patriotic framers of that instrument; at the same time this same subject of Slavery excited public attention in all the States of the Union, and more especially in Virginia, and was scanned by men not ignorant of the principles of the Constitution. Since that time there has been no decision of any Federal Court that Congress had not the power to frame the law of 1793. This is a weight not small, scarcely ever concentrated on any other question, for it has attracted much attention; a great display of thought, and the profoundest consideration of the ablest minds of the Republic, which must silence all cavil. Look at the provision itself; are its vital parts never to be settled after the decisions of the Courts for half a century? Suppose a state of feeling that would shake the basis of the whole social community and stir up discord in the land, there would be no protection of our rights except in our Constitution, as has been justly remarked it is the fundamental law of the land, the basis of our prosperity, the foundation of our glory, and saved to us the fruits of our Revolution. The Federal, fundamental law is the protector of our rights and the procurer of peace to all parts of the Union.

It has been contended that it rests with the States to carry into effect State enactments. I would ask the gentleman, is that law that has no sanction, that has no power to enforce, to which is attached no penalty. The gentleman, (Dr. Brisbane) is too good a Theologian for that. This principle applies in civil matters as in those of Theology. Legislatures are prohibited from passing laws liberating or obstructing the liberation of Slaves. The States are bound to deliver up the fugitive. If a State passes a law conflicting with a federal law, the penalty is inflicted. I don't state a hypothetical case; Grigg vs. Maryland is an actual one, the State threw obstacles in the way, and the Court held in nugatory and void against the Constitution. It would not have been if the State had power. It is then by the authority of law that slavery exists, and by no other authority can it exist, nor can a fugitive be returned to labor and service, except under a provision of positive law. I differ with those who say that by the common law he can be retaken.

I admit that the Federal Government cannot compel the observance of her enactments by a State; but the law is there, in the Constitution, the fundamental law of the land; it is something more than a recommendation, and never has been

treated in that light. Some say this matter was not discussed in the Convention; it is true the debates were not authoritatively published, but the matter was one of great anxiety at the time, and Chief Justice Marshall, as competent as any other man, contended for this right, to have a slave delivered up. If a State refuses to pass a law to surrender, has not the Federal Government a right to carry out provisions for a re-delivery? How is it for fugitives from justice, they depend upon the same principle.

This great question has excited differences and anxieties. When the Constitution was adopted, one half of the States were slave States, and before that, fugitive slaves were rendered by comity, but this provision was inserted to settle these distracted questions. As Chief Justice Marshall said, a Government was wanted, and the Federal authority, was vested with this Supreme authority.

A much wider exposition has been attempted; it has been contended that the law of 1850, may be applied to all persons against whom claims held for service due; that a clergyman may be held for unexpired clerical services unperformed; I am glad to say that I shall never apply it to a contract, or to the clergy, for, after delivered up, it would be hard to make him preach. The clause relating to rendition of persons held to service or labor, had its principal application to persons held to bondage, as shown by Madison, who contended that the slave was as well protected by the clause, as if the word had been there, for to his honor, he desired not that the word should appear in the Constitution. It has been stated that this is an ex-parte proceeding. I think not; if the counsel for the defendant had shown cause for continuance, I would gladly have granted it. I cannot, here be governed by sympathy; I have to look to the law and be governed by the law, and to guard myself with more than usual caution, in such a case where judgment might be warped by sympathy.

The completeness of identity has been alluded to, that was an open question, the right and opportunity was given to show that he was not a slave. As to the incompleteness of it, not having provided a trial by jury, in my judgment as far as my experience goes, no master can have any reasonable grounds of fear from an intelligent jury. In one case I remember, there was one person on the jury, I use the term not in reproach, an abolitionist, honest and intelligent, sworn to be governed by the law & testimony acquiesced in the decision of his colleagues, & the slave was remanded to his master. This is not a final decision as to his liberty, this does not bar the introduction of proof, even in Kentucky, or whatever State he may be taken to, if any proof can be presented that he is a free man, and is unlawfully detained in bondage. He may be sold into other hands, but this tribunal is not responsible, this Court is bound by the law.

As to the powers of Commissioners, notice is not taken here; provisions of a law may be constitutional in part and not in whole; an unconstitutional provision in a law does not annul the whole; I don't intimate that any provisions are unconstitutional.

(Some remarks were here made by the Judge as to the misconstruction placed on the compensation of \$10 allowed to the Commissioner, which evidently was for the extensive writing some times required in making out in extenso a long certificate of claim established.)

This is not a case for sympathy; the evidence certainly is complete that the fugitive had a kind master; of the this matter, we on the north-west bank of the Ohio River have no concern; the law has been enacted by the highest power, that none is higher, is acknowledged by all men. Sooner or later a disregard for the law would bring chaos, anarchy and wide spread ruin; the law must be enforced—"

Let those who think differently go to the people who make the laws. I cannot turn aside from the sacred duties of my office to regard aught but the law. By all the force of testimony and the law, I am bound to remand the fugitive to his master."

THIS AND THAT.—Mr. Brown has it that, "The first most exquisite enjoyment in life, is the smile of a sweetheart or kiss of a wife."

Mr. Smith on the contrary is quite sure, and he speaks from experience, that

"The first most exquisite enjoyment in life, is the kiss of a sweetheart or somebody's wife."

We are inclined to think that Smith will carry the day.

A young lady, who perhaps is better acquainted with French than farming, was recently married to a farmer. In examining her new domains, she one day visited the barn, where she thus interrogated the milk maid: "By the by, Mary, which of the cows is it that gives butter-milk?"

Speaking of the death of an aged man, one of our exchanges says, "The retained remarkable possession of all his mental faculties down to within a few miles of his residence."